



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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REGIONAL
ADMINISTRATOR'S
DIVISION

December 4, 2021

Zachary Wilson
U.S. Army Corps of Engineers
Planning, Environmental, and Cultural Resources Branch
P.O. Box 3755
Seattle, Washington 98124

Dear Mr. Wilson:

The U.S. Environmental Protection Agency has reviewed the U.S. Army Corps of Engineers' Draft Environmental Assessment and Draft Finding of No Significant Impact Notice of Availability and Clean Water Act Public Notice. EPA conducted the review in accordance with our responsibilities under the National Environmental Policy Act, the Council of Environmental Quality regulations (40 CFR §§ 1500-1508), and Section 309 of the Clean Air Act (EPA Project Number 21-0063-USACE).

The U.S. Army Corps of Engineers (Corps) proposes emergency in-kind levee repairs at the Yakima Right Bank Federal Levee and Yakima Wastewater Treatment Plant Levee in Yakima, Yakima County, Washington. Repairs will address damage caused by flooding in early February 2020 on the Yakima River. The Yakima Right Bank Federal Levee and Yakima Wastewater Treatment Plant Levee no longer provide the designed level of protection against flooding. The Corps has scheduled construction to start in January 2022 with work planned in a single construction period over the course of six weeks.

EPA's review of the analyses in the Draft Environmental Assessment finds communities with environmental justice concerns may occur within the project impact area. EPA's attached detailed comments provide recommendations for your consideration, which emphasize the use of EJSCREEN to describe potential environmental justice concerns for each repair site.

EPA appreciates the opportunity to provide comments during this period and looks forward to continued coordination with the Corps on this project. If you would like to discuss these comments, please contact David Magdangal at (206) 553-4044 or magdangal.david@epa.gov, or me at (206) 553-1774 or at chu.rebecca@epa.gov.

Sincerely,

Rebecca Chu
Manager, Environmental Review Branch

Enclosure: Detailed Comments

U.S. EPA Detailed Comments on the Draft Environmental Assessment for the Yakima Right Bank Federal Levee and Yakima Wastewater Treatment Plant Levee Repair December 2021

Environmental Justice

Assessing EJSCREEN information is a useful first step in understanding or highlighting locations that may be candidates for further review or outreach.¹ EPA considers a project to be in an area of potential environmental justice (EJ) concern when an EJSCREEN analysis for the impacted area shows one or more of the eleven EJ Indexes at or above the 80th percentile in the nation and/or state. At a minimum, EPA recommends an EJSCREEN analysis consider EJSCREEN information for the block group(s) which contains the proposed action(s) and a one-mile radius around those areas.

It is important to consider all impacted areas by the proposed action(s). Areas of impact can be a single block group or span across several block groups and communities. When assessing large geographic areas, consider the individual block groups within the project area in addition to an area wide assessment. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators.² As the screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location and/or proposed project, consider additional information in an EJ analysis to supplement EJSCREEN outputs.³

Further review or outreach may be necessary for the Yakima River Bank (RB) repair sites and the Yakima Waste Water Treatment Plant (WWTP) Levee site. Yakima RB Levee 1, Yakima RB Levee 2, and the Yakima WWTP Levee repair sites are in an area of potential EJ concern. An EJSCREEN analysis for these sites shows all eleven EJ Indexes at or above the 80th percentile in the nation and state. To address these concerns, EPA recommends:

- Applying the "Environmental Justice Interagency Working Group Promising Practices for EJ Methodologies in NEPA Reviews" report, or the Promising Practices Report, to this project.⁴ The Promising Practices Report is a compilation of methodologies gleaned from current agency practices concerning the interface of EJ considerations through NEPA processes.
- Characterizing Yakima RB Site 1, Yakima RB Site 2, and the Yakima WWTP Levee repair site with specific information or data related to EJ concerns.⁵
- Describing potential EJ concerns for all EJ Indexes at or above the 80th percentile in the state and/or nation.

¹ <https://ejscreen.epa.gov/mapper/>

² <https://www.epa.gov/ejscreen/technical-documentation-ejscreen>

³ <https://fortress.wa.gov/doh/wtn/WTNIBL/>; <https://www.epa.gov/healthresearch/health-impact-assessment-hia-resource-and-tool-compilation>; <https://www.lep.gov/maps/lma2015/Final>; <https://www.airnow.gov/>; <https://www.atsdr.cdc.gov/placeandhealth/svi/index.html>; <https://nihhis.cpo.noaa.gov/vulnerability-mapping>; <https://www.cpc.ncep.noaa.gov/products/predictions/threats/extremesTool.php>; <https://www.fema.gov/emergency-managers/practitioners/resilience-analysis-and-planning-tool>;

<https://epa.maps.arcgis.com/home/webmap/viewer.html?webmap=137d4e512249480c980e00807562da10>;

⁴ https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf

⁵ For more information about potential EJ concerns, refer to the July 21, 2021 Memorandum for the Heads of Departments and Agencies Interim Implementation Guidance for the Justice40 Initiative. <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>

- Describing block groups which contains the proposed action and at a minimum, a one-mile radius around those areas.
- Describing individual block groups within the project area in addition to an area wide assessment.
- Supplementing data with county level reports and local knowledge. This may include:
 - Washington State’s Environmental Health Disparities tool⁶
 - The Health Impact Assessment (HIA) Resource and Tool Compilation⁷
 - Limited English Proficiency Mapping⁸
 - Air Quality Data⁹
 - Center for Disease Control and Agency for Toxic Substances and Disease Registry’s Social Vulnerability Index¹⁰
 - Extreme Heat Vulnerability Mapping Tool¹¹
 - Global Probabilistic Extremes Forecast Tool¹²
 - Resilience Analysis and Planning Tool¹³
 - Smart Location Mapping¹⁴
 - Ground truthing through meaningful engagement with residents, community leaders, and organizations.

⁶ <https://fortress.wa.gov/doh/wtn/WTNIBL/>

⁷ <https://www.epa.gov/healthresearch/health-impact-assessment-hia-resource-and-tool-compilation>

⁸ <https://www.lep.gov/maps/lma2015/Final>

⁹ <https://www.airnow.gov/>

¹⁰ <https://www.atsdr.cdc.gov/placeandhealth/svi/index.html>

¹¹ <https://nihhis.cpo.noaa.gov/vulnerability-mapping>

¹² <https://www.cpc.ncep.noaa.gov/products/predictions/threats/extremesTool.php>

¹³ <https://www.fema.gov/emergency-managers/practitioners/resilience-analysis-and-planning-tool>

¹⁴ <https://epa.maps.arcgis.com/home/webmap/viewer.html?webmap=137d4e512249480c980e00807562da10>